

REMARKS

After careful consideration of the FINAL Office Action, this application has been amended accordingly, and favorable reconsideration on the merits thereof is at this time respectfully requested.

The undersigned first acknowledges the indicated allowable subject matter of claims 12, 14 through 17, 19, 21 through 27 and 29 through 33. The latter is most appreciated, but the undersigned believes Applicant is entitled to broader protection based upon the applied patents to Murray et al. (5,722,789) and Moriki et al. (4-353104). The latter patents were applied against independent claim 1 and claims depending directly and indirectly therefrom, as set forth at page 2, paragraph 2 of the outstanding Office Action. In the latter rejection the Examiner essentially held that it would be obvious to a person skilled in the art "to use the one-piece drum of the Japanese patent to Moriki et al. on the apparatus of Murray '789. This would be done so that there were fewer pieces and less chance of a malfunction."

The last quoted sentence is presumably the "motivation" for the combination of the teachings of these patents, but left unstated by the Examiner is the fact that the substitution of the one-piece drum introduces assembly and disassembly complications far more disadvantageous than might be any advantages achieved through one less piece (a one-piece drum versus two half-drums) and speculated "malfunction" thereof. Murray et al. actually forms the milling drum 104 of the two halves 104a, 104b (Figures 6 and 7) to ease assembly and disassembly because in the utilization of a one-piece rotor drum, such as the rotor drum 2 of the Moriki et al. patent, virtually the entire drive section must be disassembled for purposes of rotor drum replacement, repair and/or substitution. This means that the one-piece rotor drum 2 can only be removed by first removing the bearing frame 7, thereafter removing bolts 28 of a cylindrical housing 24 within which is a fluid motor 5 and the latter in turn provides access to bolts 25 to

remove the drive transmission 4. The Examiner should particularly note that the flange 2a of the rotor drum is to the left of the flange 4a of the transmission unit 4. Therefore, the rotor drum 2 cannot be slid axially to the right for removal, but instead the entire hydraulic motor 5 and transmission unit 4 must be slid to the right, as viewed in Figures 1 and 2, removed entirely from the interior of the rotor drum 2, and thereafter the drum can be removed from the bearings of the left side wall 7b of Figure 1. Thus, though the Examiner has supplied the motivation of "fewer pieces and less chance of a malfunction," he has introduced through the alleged obviousness rejection an inordinate amount of time and effort at assembling and disassembling a one-piece rotor drum relative to its drive. More importantly, when utilizing a one-piece rotor drum, in the manner contemplated by the Examiner, it is not the motor drum which is axially removed from any part of the drive but instead it is the drive which is axially removed from the rotor drum!

Applicant achieves simplicity of removal and replacement of the milling tube 25 by axially sliding the milling tube 25 relative to the roller base body 19 which in Figure 3 is to the right upon the removal of the fasteners 27 associated with the flange 28. None of the drive units nor the planetary gear drive (11 to 15 and 32, respectively) interfere with the removal/replacement of the one-piece milling tube 25. The latter ease of removal/replacement is achieved because the securing means 27, 28 are accessible at a side (right side in Figure 3) of the overall milling roller opposite to the other side at which is located the drive unit and transmission. The latter structure has been incorporated into claim 1 and is essentially somewhat broader than subject matter allowed by the Examiner. However, the latter structure not only specifies the unobviousness of the invention, but also clearly distinguishes the same over the combination of the Murray et al. and Moriki et al. patents

In view of the foregoing, the formal allowance of claim 1 and all of the claims depending therefrom is at this time believed to be in order and is herewith respectfully requested.

Respectfully submitted,

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